

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL EDWARD DURAN,

Plaintiff,

v.

LONGORIA, CASE, E. PARKS, M.  
GAMBOA, W. SINKOVICH,

Defendant.

Case No. 1:20-cv-00289-HBK (PC)

ORDER GRANTING PLAINTIFF'S MOTION  
REQUESTING LEAVE TO FILE THIRD  
AMENDED COMPLAINT

(Doc. No. 23)

MARCH 10, 2023 DEADLINE

Plaintiff, a prisoner, is appearing pro se and *in forma pauperis* in this action filed under 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion requesting leave to file a third amended complaint. (Doc. No. 23). On January 20, 2023, the Court issued a Screening Order finding Plaintiff Second Amended Complaint (SAC) stated a cognizable First Amendment free exercise of religion claim against Defendant Longoria but no other cognizable claim. (Doc. No. 22 at 6). The court directed Plaintiff to file a notice under Rule 41 that he intends to stand on his SAC as screened and proceed only on his First Amendment free exercise of religion claim against Defendant Longoria, thereby voluntarily dismissing the claims the Court deemed not cognizable or stand on his SAC subject to the undersigned issuing a Findings and Recommendations to dismiss the claims deemed not cognizable. (*Id.*). As opposed to exercising either option, Plaintiff filed the instant motion requesting leave to amend to demonstrate how the other Defendants assisted Defendant Longoria with violating Plaintiff's rights under the First Amendment. (Doc.

No. 23 at 1). Plaintiff also requests leave to amend in order to expand on how the Defendants were acting in both their individual and official capacities. (*Id.*). Considering Plaintiff's pro se status, the Court will afford Plaintiff one final opportunity to file a third amended complaint.

Accordingly, it is **ORDERED**:

1. Plaintiff's motion requesting leave to file a third amended complaint (Doc. No. 23) is GRANTED.
2. Plaintiff shall deliver his third amended complaint to correctional officials for mailing no later than March 10, 2023.
3. The Clerk shall enclose a blank civil rights complaint form for Plaintiff's use in preparing his third amended complaint.

Dated: February 14, 2023

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE